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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF ARIZONA**

10 JOSÉ PARRA; GONZALO ESTRADA;  
11 AURELIA MARTINEZ, on behalf of  
12 themselves and all individuals similarly  
13 situated,

14 Plaintiffs,

15 v.

16 BASHAS', INC.,

17 Defendant.

Case No. CIV 02-0591-PHX-RCB

**ORDER GRANTING MOTION TO  
MODIFY PROTECTIVE ORDERS**

18 Upon motion by Plaintiffs and their counsel, the Court finds as follows:

19 Two protective orders have been filed in this case, one on October 23, 2003 (doc. 71)  
20 and the other on February 23, 2004 (doc. 110).

21 On July 13, 2009, Defendant Bashas', Inc. filed for Chapter 11 bankruptcy protection  
22 in the United States Bankruptcy Court, District of Arizona. (*In re Bashas', Inc., Basha's*  
23 *Leaseco, Inc., Sportsman's, LLC*, 2:09-BK-16050-JMM, 2:09-BK-16051-JMM, 2:09-BK-  
24 16052-JMM). On July 19, 2009, Bashas' filed a Notice of Filing Bankruptcy in this action.

25 Counsel for Plaintiffs and the putative class, Jocelyn Larkin of the Impact Fund and  
26 Elizabeth Lawrence of Davis, Cowell & Bowe, have retained bankruptcy counsel, Dean  
27 Gloster and Kelly Woodruff of Farella, Braun & Martell, LLP and Steven M. Cox of

1 Waterfall, Economidis, Caldwell, Hanshaw & Villamana, P.C. ("Plaintiffs' Bankruptcy  
2 Counsel"), to represent Plaintiffs and the class in the bankruptcy proceeding.

3 Plaintiffs and their counsel move to have the protective orders (docs. 71 and 110)  
4 modified to allow Plaintiffs' counsel's staff and Plaintiffs' bankruptcy counsel and their staff  
5 access to confidential documents filed under the protective orders in this case.

6 Defendant's counsel has been informed of Plaintiff's Motion and has stated  
7 Defendant would not oppose it. See Not. Of Non-Opposition (doc. 291) at 1:20-21.

8 Based on all the foregoing, and with good cause shown, the Court hereby grants the  
9 Motion to Modify Protective Orders (doc. 289).

10 Accordingly, the Stipulated Protective Order filed on October 23, 2003 and the  
11 Protective Order filed February 23, 2004 in this case shall be modified as follows:

12 a) confidential information produced in this litigation may be used for purposes of  
13 *Bashas'* bankruptcy proceeding;


14 b) Plaintiffs' Bankruptcy Counsel will have access to confidential information from  
15 this action;

16 c) support staff of Plaintiffs' Counsel and Plaintiffs' Bankruptcy Counsel may have  
17 access, as needed, to the confidential information subject to the February 23, 2004 order;

18 d) all attorneys, staff or experts who will have access to confidential information shall  
19 execute Exhibit A to the October 23, 2003 order (a copy of which is attached), if they have  
20 not done so already.

21 DATED this 15th day of October, 2009.

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Robert C. Broomfield  
Senior United States District Judge

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EXHIBIT A

AGREEMENT TO BE BOUND BY CONFIDENTIALITY ORDER

I, \_\_\_\_\_, (name), hereby acknowledge that I have read the Protective Order entered *in Parra et al., v Bashas', Inc.*, that I understand the terms of the Protective Order, and that in particular I have read paragraph 12 of the Protective Order. I hereby agree to be bound by the provisions of the Protective Order.

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Signature

Dated: \_\_\_\_\_